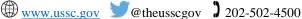
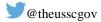


## **U.S. Sentencing Commission**

**One Columbus Circle NE** Washington, DC 20002-8002





## **NEWS RELEASE**

April 9, 2015

## U.S. SENTENCING COMMISSION ADOPTS ECONOMIC CRIME AMENDMENTS Increases Penalties for Hydrocodone Trafficking

WASHINGTON, D.C. (April 9, 2015) — The United States Sentencing Commission voted today to adopt changes to the fraud guideline to address longstanding concerns that the guidelines do not appropriately account for harm to victims, individual culpability, and the offender's intent. The Commission also voted to change the drug quantity table to account for the rescheduling of hydrocodone.

The Commission altered the victim enhancement in the fraud guideline to ensure that where even one victim suffered a substantial financial harm, the offender would receive an increased sentence. It also made changes to refocus economic crime penalties toward the offender's individual intent, while maintaining an underlying principle of the fraud guideline that the amount of loss involved in the offense should form a major basis of the sentence.

"We found through comprehensive examination that the fraud guideline provides an anchoring effect in the vast majority of cases, but there were some problem areas, particularly at the high-end of the loss table," said Chief Judge Patti B. Saris, chair of the Commission. "These amendments emphasize substantial financial harms to victims rather than simply the mere number of victims and recognize concerns regarding double-counting and over-emphasis on loss."

The Commission also acted today to provide additional guidance as to which offenders are eligible to receive a reduced sentence as a minor or minimal participant in an offense. "This change is intended to encourage courts to ensure that the least culpable offenders, such as those who have no proprietary interest in a fraud, receive a sentence commensurate with their own culpability without reducing sentences for leaders and organizers," Saris said.

The Commission voted to increase penalties associated with hydrocodone, a prescription narcotic. In October 2014, the Drug Enforcement Administration (DEA) rescheduled some forms of hydrocodone from Schedule III to the more serious Schedule II. Schedule II drugs include cocaine, oxycodone, and morphine. The Commission heard testimony from scientific experts as to the abuse potential of new stronger formulas of hydrocodone and that hydrocodone is virtually identical in effect to oxycodone, which already is widely abused.

"The DEA has expressed its concern, and input from the scientific and medical community and law enforcement makes clear, there is a growing risk associated with illegal use of hydrocodone," Saris said. "Today's amendments are the right policy decision to make penalties for hydrocodone and oxycodone equivalent."

The Commission also made an adjustment to monetary tables to account for inflation. This good-government measure derives from a methodology provided by Congress and will have an effect on both penalty and fine tables.

The amendments will be transmitted to Congress by May 1, 2015. If Congress does not act to disapprove some or all of the amendments, they will go into effect November 1, 2015. More information about this process and the amendments approved today will be available on the Commission's web site at www.ussc.gov.

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The United States Sentencing Commission, an independent agency in the judicial branch of the federal government, was organized in 1985 to develop a national sentencing policy for the federal courts. The resulting sentencing guidelines structure the courts' sentencing discretion to help ensure that similar offenders who commit similar offenses receive similar sentences.

Contact: Kira Antell Acting Director Office of Legislative & Public Affairs (202) 502-4544 | kantell@ussc.gov